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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,215	10/31/2003	John A. Baumann	BING-1-1028	1498
7590	11/01/2005		EXAMINER	
Mark S. Beaufait, Esq. BLACK LOWE & GRAHAM PLLC Suite 4800 701 Fifth Avenue Seattle, WA 98104			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 11/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/698,215

EXAMINER
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ART UNIT	PAPER
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Commissioner for Patents

The reply filed on 10/5/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The reply fails to state which claims read on the elected species of Figure 1. Applicant has stated instead which claims are "withdrawn at this time". The examiner is apparently supposed to deduce which claims affirmatively read on the elected species. This is an improper response.

Firstly, as a matter of procedure, the applicant does not "withdraw" claims. Only the examiner withdraws claims at the time of the first action on the merits. Applicant, in response to such a withdrawal of certain claims by the examiner will indicate the nature of these claims by a status indicator in the subsequent response by applicant. Since the examiner has not yet withdrawn claims in a first action on the merits the presentation of certain claims with status indicators "(withdrawn)" at this time by applicant is improper.

Secondly, the 10/05/05 statement that "claims 3, 18-19, 20, 22, 34-39, 48 are withdrawn at this time" contradicts the claims of 10/05/05 that have "(withdrawn)" status indicators before claims 56-60.

In sum, applicant, in response to this communication must make an affirmative statement that "claims.....read on the elected species of Figure 1". Since this is a second request for such an omission, any additional failure to comply with this requirement will result in the abandonment of this case.

. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw

  
ROBERT C. WATSON  
PRIMARY EXAMINER